

ENVIRONMENTAL ASSESSMENT (OR-030-04-014)

BLM OFFICE: Vale

PROPOSED ACTION: **East Rim North Fork Malheur River Fence Extension**

LOCATION: From T.17S., R.36E., SESE Sec. 21 to T.17S., R.36E., NWSW Sec. 27

NEED FOR THE PROPOSED ACTION

The North Fork Malheur River provides habitat for bull trout (*Salvelinus confluentus*), a federally Threatened species. Prior to 2001, livestock drifting into the river canyon from the east rim caused unauthorized use and heavy riparian utilization in bull trout habitat, an action that was not in compliance with the Biological Opinion for Grazing Activities on North Fork Malheur River Allotments (U. S. Fish and Wildlife Service, 2000). Consequently, a gap fence (one mile, mostly on the permittee's private land) was constructed in 2001 along the east rim of the river in order to block livestock access to Dogwood Pasture in the river corridor (see EA OR-030-01-001). This fence effectively controlled livestock use for one grazing season, but cattle then located routes around the ends of the fence and continued to access and overutilize riparian areas within the river corridor.

Construction of short (<0.5 mile) extensions to each end of the existing rim fence would form a complete barricade to livestock access from the east rim. Fence construction would benefit bull trout by enabling riparian vegetation and streambanks to recover from unauthorized livestock use.

CONFORMANCE WITH APPLICABLE LAND USE PLANS

This proposed action is subject to the Southeast Oregon Resource Management Plan (SEORMP) which is the current land use plan for Malheur Resource Area. The SEORMP has been reviewed to determine if the proposed action conforms with land use plan terms and conditions as required by 43 CFR 1610.5. Implementation of special grazing treatments to control livestock impacts to stream-side riparian communities with medium to high potential for improvement conforms with this plan. More specifically, fence construction that improves livestock distribution, controls season of use, and reduces localized physical and physiological impacts to vegetation resources is also consistent with planning objectives.

In addition, the proposed action is in conformance with Riparian Management Objectives outlined in the Inland Native Fisheries Strategy as adopted by the Bureau in 1998 for implementation on all bull trout streams.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action---*Construct two extensions to a fence on east rim of North Fork Malheur River*

Approximately 1 mile of permanent fence would be constructed following Bureau specifications at the aforementioned location within Whitley Canyon Allotment. The fence would enhance livestock control, preventing livestock access to the river corridor from Little Malheur Pasture. This action would result in maintenance or improvement of riparian vegetation and stream channel morphology in the river corridor.

The proposed fence would consist of two segments attached to each end of the existing east rim gap fence. The north section of the proposed fence (0.6 mile) would be constructed on private land extending northwest from the north end of the existing gap fence. The south section of the proposed fence (0.3 mile) would be constructed entirely on public land. The two fence extensions would block access points that allow cattle to descend to the river corridor. The fence extensions would be four-strand barbed wire with green five-foot fence posts. BLM fencing standards for deer, antelope, and elk habitat would be followed. Maintenance of the proposed fence extensions would become the responsibility of the Whitley Canyon Allotment permittee, and necessary revisions to the cooperative agreement for maintenance of rangeland projects (Form 4120-6) would be made. Visual evidence of off-road vehicles used for fence construction would be minimized and removed.

Existing roads or ways would be used for access during fence construction and a minimal amount of off-road use would occur along the fence line. No blading along the fence line would be permitted either during construction or for fence maintenance. All construction debris (wire, posts, etc.) would be removed from the area upon completion of construction.

Alternative B---*No Action*

Unauthorized livestock access to approximately 2 miles of the North Fork Malheur River corridor would continue with the "no action" alternative.

AFFECTED ENVIRONMENT

Plant Communities— Project area vegetation includes associations of big sagebrush (*Artemisia tridentata* ssp. *tridentata* and *A. tridentata* ssp. *wyomingensis*), bluebunch wheatgrass (*Agropyron spicatum*) and small amounts of western juniper (*Juniperus occidentalis*). Most communities are in late ecological condition.

Livestock Grazing—The project area is the boundary between Little Malheur Pasture (on the rim) and Dogwood Pasture (within the river corridor) of Whitley Canyon Allotment, an allotment with a single grazing permittee and which is managed under a combined system of deferred and rest-rotational grazing. Grazing is not authorized in Dogwood Pasture at this time.

Wildlife—The project area includes habitat for pronghorn, elk, mule deer, neotropical migratory song birds, and small mammals.

Federally Listed Species—Bull trout (Threatened) and the Columbia spotted frog (Candidate) inhabit the North Fork Malheur River approximately 0.2 to 0.4 miles to the west of the proposed fence. There are no other known listed plant or animal species within the project area.

Special Status Plants---No special status plants are known or are suspected to exist in the project area.

Recreation and Visual Resources—The North Fork Malheur River in the project area was determined in the SEORMP to be eligible and administratively suitable for inclusion in the National Wild and Scenic Rivers System (NWSRS) and has been recommended for congressional designation. Bull trout are designated an Outstandingly Remarkable Value for this river segment. There are no Wilderness Study Areas in this allotment. Recreation use is light and generally of a dispersed nature, mainly associated with big game hunting and fishing. The fence would be in a Visual Resource Management (VRM) Class I area.

Areas of Critical Environmental Concern (ACEC)---The project lies within a small portion of the 1,810 acre North Fork Malheur ACEC. The Relevant and Important Values for which the area was designated include scenery, two special status fish species (bull trout and redband trout) and their habitat, and a special status amphibian (Columbia spotted frog) and its habitat.

Cultural Resources— The area surrounding Castle Rock and North Fork Malheur River was traditional land for the Northern Paiute people and provided an interface for trading and hunting with Columbia Basin peoples as well as the Umatilla. The basic unit of Northern Paiute social structure was the family, a group small enough for mobility and flexible enough to adapt to many kinds of seasonal resources. Winter villages of up to fifty huts have been reported, but generally the winter villages consisted of small, unstable groups of about three families located near a major lake or river. Seasonal camps were located wherever there was water and food. Living structures were typically a fence-like windbreak of sagebrush for a temporary or summer camp with a tree or brush sunshade or domed wickiup for both winter and summer use. The subsistence economy of the Northern Paiute was strongly oriented toward gathering and collecting because plant foods were more abundant and dependable than fowl, fish or mammals. Historic documents indicated several hundred plants were used by the Indians of the Great Basin for medicinal purposes, fiber sources, and food. The area adjacent to and surrounding Castle Rock is considered a sacred area to the Northern Paiutes.

A Northern Paiute reservation headquarters was located on the North Fork Malheur River in Agency Valley but was eventually offered for public sale. Agency Ranch is now under Beulah Reservoir which is impounded behind Agency Dam.

Paleontological Resources- The nearest fossil localities are in Miocene lacustrine sediments near Juntura and Kingsbury Gulch. Fossils of plants and animals range from small diatoms to mammals such as camel, horse, beaver, smaller rodents, and insectivores.

ENVIRONMENTAL IMPACTS

A. Impacts of Proposed Action

Construction of the east rim fence extensions would benefit bull trout habitat along the North Fork Malheur River by enabling the river corridor to recover from incidental, unscheduled livestock use. If unauthorized livestock use in the river corridor continues, damage to streambanks and riparian vegetation will negatively impact bull trout by increasing sedimentation, widening the channel profile, and reducing overhead cover and shade.

The Bureau considers that the proposed fence construction *may affect, but is not likely to adversely affect*, bull trout habitat. Because of the fence extensions' distance from the stream (0.2 to 0.4 miles) and minimal-disturbance methods of fence construction, it is unlikely that sediment or erosive action would reach the river and cause siltation problems affecting bull trout. Fence construction and livestock trailing would cause a minor amount of vegetation disturbance and soil compaction along the fence line. Outstandingly Remarkable Values of the proposed Wild and Scenic River and the Relevant and Important Values of the ACEC would not be affected.

Little or no impact to wildlife or recreational use would be expected. Because the fence would not be built on the skyline and would not be close to any well-traveled roads, it would be unnoticeable. Impacts to visual resources would be minimal, and VRM objectives would be met. Fence maintenance by non-motorized methods would meet VRM and OHV management directives.

Class III cultural resource and paleontological surveys were conducted along the alignment of the proposed fence. No prehistoric, historic, or fossil resources were observed during the surveys.

B. Impacts of No Action

Although BLM has precluded grazing from Dogwood Pasture in the North Fork Malheur River corridor, unauthorized livestock access to approximately 2 miles of the river corridor would continue. Excessive livestock utilization in riparian areas is not compatible with maintenance of intact stream channels and healthy plant communities. The Bureau considers the No Action alternative *likely to adversely affect* bull trout.

Description of Mitigation Measures: To prevent compaction and rutting, off-road travel during fence construction would be prohibited when there is high moisture content in the soil. Therefore, off-road travel would only be during times when soil is dry or firm which should minimize adverse impacts to soil and vegetation. The proposed location of the fence would be modified to minimize impacts if archeological resources or threatened/endangered plant and wildlife species were identified during construction.

Other mandatory elements—The following mandatory elements are either not present or would not be effected by the proposed action or alternatives:

Critical Elements	Affected	
	Yes	No
Air Quality		X
Areas of Critical Environmental Concerns		X

Cultural Resources		X
Prime and Unique Farmlands		X
Floodplains		X
Native American Religious Concerns		X
Threatened and Endangered Species		X
Hazardous and Solid Wastes		X
Ground Water Quality		X
Surface Water Quality		X
Wetlands and Riparian Zones		X
Wild and Scenic Rivers		X
Wilderness		X
Invasive and Nonnative Species		X
Environmental Justice		X
Adverse Energy Impacts		X

Persons/Agencies Consulted:

- Hammond Ranch LLC #20, *Grazing Permittee*
- Joe Villagrama, *Whitley Canyon Allotment Ranch Manager*
- Marissa Meyer, *U.S. Fish & Wildlife Service*
- Ron Rembowski, *BLM Rangeland Management Specialist*
- Brandon Knapton, *BLM Wildlife Biologist*
- Cynthia Tait, *BLM Fisheries Biologist*
- Diane Pritchard, *BLM Cultural Resources Specialist*
- Jean Findley, *BLM Botanist*
- Lynne Silva, *BLM Weed Management Specialist*
- Shaney Rockefeller, *BLM Soils Specialist*
- Bob Alward, *BLM Recreation Specialist*
- Tom Dabbs, *BLM Area Manager*

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in this EA and all the other information available, it is my determination that the proposed action is in conformance with the land use plan for the area and does not constitute a major federal action significantly affecting the quality of the human environment and that an EIS is not required.

Malheur Resource Area Manager

Date

DECISION RECORD

I have determined that implementation of the proposed action (EA OR-030-04-014) in Whitley Canyon Allotment to authorize construction of two extensions to the east rim fence of North Fork Malheur River is in conformance with the land use plan for Malheur Resource Area and is necessary to protect resource values as described in this EA.

In accordance with the Endangered Species Act (Section 7), consultation with the U.S. Fish and Wildlife Service on the proposed action has been completed with the Service's concurrence that these actions will not adversely affect bull trout.

Authorized Official

Date